

Amendment and Response
Applicants: Kevin J. Kollar et al.
Serial Number: 09/963,793

Attorney Docket: CV0291US

REMARKS

Claims 1 - 10 are pending. Claims 1, 6 and 10 have been amended. Claims 2 - 5 and 7 - 9 are original.

Drawings

Objection has been made to Figures 3A, 3A-1 through 3A-4, 3B and 3B-1 through 3B-4. Figure 3A indicates that Figures 3A-1 through 3A-4 are to be arranged in a quadrant, as shown in Figure 3A, to represent an embodiment of a disposable cartridge assembly in association with an embodiment of a blood perfusion system according to an embodiment of this invention. Figure 3B indicates that Figures 3B-1 through 3B-4 are to be arranged in a quadrant, as shown in Figure 3B, to represent an alternate embodiment of a disposable cartridge assembly in association with an alternate embodiment of a blood perfusion system according to an alternate embodiment of this invention.

The specification has been amended to clarify all of Figures 3 and to delete reference to Figure 7C.

Specification

The specification has been amended to identify all of Figures 3 and to delete Figure 7C.

Claim Rejections

Claims 1-10 have been rejected under 35 U.S.C. 102(b) over each of Kamen, et al. ("Kamen"), Dennehey, et al. ("Dennehey"), and Bilstad, et al ("Bilstad"). It is elementary that, in order for a reference to anticipate a claim, that reference must have all elements of the claim arranged as they are in the claim. It is

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respectfully submitted that, with the present amendments to the claims, none of the pending claims is anticipated by any of Kamen, Dennehey or Bilstad.

Amended claim 1 requires a disposable cartridge with an internal cardiopulmonary passageway configured for operative connection to the cardiopulmonary circuit of the extracorporeal blood perfusion system, an internal cardioplegia passageway configured for operative connection to the cardioplegia circuit of the extracorporeal blood perfusion system, and an internal suction passageway configured for operative connection to the suction circuit of the extracorporeal blood perfusion system. None of the references discloses or suggests a disposable cartridge with at least these three specified passageways.

Anticipation requires that the identical invention that is claimed was previously known to others and thus is not new. It is the Examiner's burden to show that every element of claims 1-10 is identically described in the asserted anticipating references, the Kamen, Dennehey and Bilstad patents. These patents show a cartridge or cassette with various passageways, but do not show or suggest, alone or with other references of record, passageways that are an internal cardiopulmonary passageway configured for operative connection to a cardiopulmonary circuit, an internal cardioplegia passageway configured for operative connection to a cardioplegia circuit, and an internal suction passageway configured for operative connection to a suction circuit. Terms of prior art patents are construed as used by the patentees. The Examiner has not shown that one of ordinary skill in this art would understand that the passageways of the cartridge or cassette of the Kamen, Dennehey and Bilstad patents would be understood as recited in the present claims. The present rejection is in error and must be withdrawn.

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Conclusion

It is respectfully submitted that this application is in condition for allowance and a formal notice to that effect is respectfully solicited. Should any minor matters remain prior to the issuance of a notice of allowance, the Examiner is requested to telephone the undersigned attorney to achieve prompt resolution thereof.

Respectfully submitted,

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By Terry L. Wiles
Customer No. 009561
Terry L. Wiles (29,989)
Patrick J. O'Connell (33,984)
Cecilia Jaisle (28,824)
POPOVICH & WILES, P.A.
IDS Center, Suite 1902
80 South 8th Street
Minneapolis, MN 55402
Telephone: (612) 334-8989
Attorneys for Applicants